

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:14-cv-00768-RDM

ACHAGZAI et al v. BROADCASTING BOARD OF
GOVERNORS

Assigned to: Judge Randolph D. Moss

Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/05/2014

Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: U.S. Government Defendant

Plaintiff

TAHER ACHAGZAI

represented by **Shameela Sarah Shah**
LAW OFFICES OF SHAH & SHAH,
PLLC
1666 Connecticut Avenue, NW
Suite 222
Washington, DC 20009
(202) 450-1051
Email: s.sarah.shah@lawofficesofshahandshah.com
ATTORNEY TO BE NOTICED

Plaintiff

MOHAMMED ZAMEN MOHMAND

represented by **Shameela Sarah Shah**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

SYED B. SHAH

represented by **Shameela Sarah Shah**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

NASEEM S. STANAZAI

represented by **Shameela Sarah Shah**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

ZEB A KHADEM

represented by **Shameela Sarah Shah**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2575
Fax: (202) 252-2599
Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeremy S. Simon

U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2528
Fax: (202) 252-2599
Email: jeremy.simon@usdoj.gov
TERMINATED: 03/31/2016

Robin Michelle Meriweather

U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
11-909
Washington, DC 20814
(202) 252-2538
Fax: (202) 252-2599
Email: robin.meriweather2@usdoj.gov
TERMINATED: 12/02/2015

Date Filed	#	Page	Docket Text
05/05/2014	<u>1</u>		COMPLAINT against BROADCASTING BOARD OF GOVERNORS with Jury Demand (Filing fee \$ 400 receipt number 0090-3705979), filed by TAHER ACHAGZAI, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI, ZEB A KHADEM, (Attachments: # <u>1</u> Civil Cover Sheet)(Shah, Shameela) (Entered: 05/05/2014)
05/06/2014	<u>2</u>		NOTICE OF <i>Summons</i> by TAHER ACHAGZAI, MOHAMMED ZAMEN MOHMAND, SYED S. SHAH, NASEEM S. STANAZAI, ZEB A KHADEM. (Shah, Shameela) (Entered: 05/06/2014)
05/06/2014			Case Assigned to Judge Ellen S. Huvelle. (md,) (Entered: 05/06/2014)
05/06/2014	<u>3</u>		SUMMONS (1) ISSUED ELECTRONICALLY as to BROADCASTING BOARD OF GOVERNORS. (Attachments: # <u>1</u> Notice of Consent, # <u>2</u> Consent Form)(md,) (Entered: 05/06/2014)
05/27/2014	<u>4</u>		ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. All Defendants (Shah, Shameela) Modified on 5/28/2014 (jf,). (Entered: 05/27/2014)

05/28/2014			NOTICE OF ERROR re: Summons Returned Executed as to Federal Defendant; emailed to s.sarah.shah@lawofficesofshahandshah.com, cc'd 0 associated attorneys — The PDF file you docketed contained errors: 1. Please refile and select the correct party (jf,) (Entered: 05/28/2014)
05/28/2014	<u>5</u>		ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. All Defendants (Shah, Shameela) Modified on 5/28/2014 (jf,). (Entered: 05/28/2014)
05/28/2014	<u>6</u>		RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. BROADCASTING BOARD OF GOVERNORS served on 5/7/2014, answer due 5/28/2014 (jf,) (Entered: 05/28/2014)
05/30/2014	<u>7</u>		REQUEST FOR SUMMONS TO ISSUE by TAHER ACHAGZAI filed by TAHER ACHAGZAI.(Shah, Shameela) (Entered: 05/30/2014)
06/02/2014	<u>8</u>		SUMMONS (2) Issued Electronically as to, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 06/02/2014)
06/04/2014	<u>9</u>		RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/4/2014. Answer due for ALL FEDERAL DEFENDANTS by 8/2/2014. (Shah, Shameela) Modified on 6/5/2014 (jf,). (Entered: 06/04/2014)
06/04/2014	<u>10</u>		RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/03/2014. (Shah, Shameela) Modified on 6/5/2014 (jf,). (Entered: 06/04/2014)
06/04/2014			Set/Reset Deadlines/Hearings: (jf,) (Entered: 06/05/2014)
06/05/2014			Reset Answer Due Date: 08/02/2014 (jf,) (Entered: 06/05/2014)
06/05/2014			Reset Deadlines/Hearings: Answer due by 8/2/2014, (jf,) (Entered: 06/05/2014)
07/28/2014	<u>11</u>		NOTICE of Appearance by Jeremy S. Simon on behalf of BROADCASTING BOARD OF GOVERNORS (Simon, Jeremy) (Entered: 07/28/2014)
07/29/2014	<u>12</u>		MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by BROADCASTING BOARD OF GOVERNORS (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 07/29/2014)
07/29/2014	<u>13</u>		RESPONSE re <u>12</u> MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint Response</i> filed by TAHER ACHAGZAI, ZEBA KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI. (Shah, Shameela) (Entered: 07/29/2014)
07/30/2014			MINUTE ORDER granting in part and denying in part <u>12</u> defendant's Motion for Extension of Time to Answer: Upon consideration of defendant's motion, plaintiffs' opposition thereto, and the entire record herein, it is hereby ORDERED that the motion is GRANTED IN PART and DENIED IN PART; and it is further ORDERED that defendant shall answer or otherwise respond to the complaint by September 8, 2014. Signed by Judge Ellen S. Huvelle on July 30, 2014. (AG) (Entered: 07/30/2014)
07/30/2014			Set/Reset Deadlines: Answer due by 9/8/2014. (zmm,) (Entered: 07/30/2014)

09/08/2014	<u>14</u>		MOTION to Strike <u>1</u> Complaint, Cover Sheet, MOTION to Dismiss <i>in Part</i> by BROADCASTING BOARD OF GOVERNORS (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 09/08/2014)
09/19/2014	<u>15</u>		Memorandum in opposition to re <u>14</u> MOTION to Strike <u>1</u> Complaint, Cover Sheet,, MOTION to Dismiss <i>in Part</i> filed by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Shah, Shameela) (Entered: 09/19/2014)
09/29/2014	<u>16</u>		REPLY to opposition to motion re <u>14</u> MOTION to Strike <u>1</u> Complaint, Cover Sheet,, MOTION to Dismiss <i>in Part</i> filed by BROADCASTING BOARD OF GOVERNORS. (Simon, Jeremy) (Entered: 09/29/2014)
11/14/2014			Case randomly reassigned to Judge Randolph D. Moss. Judge Ellen S. Huvelle no longer assigned to the case. (gt,) (Entered: 11/14/2014)
12/29/2014	<u>17</u>		Proposed MOTION to Expedite <i>Proceedings</i> by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Order, # <u>3</u> Affidavit)(Shah, Shameela) (Entered: 12/29/2014)
01/13/2015	<u>18</u>		Memorandum in opposition to re <u>17</u> Proposed MOTION to Expedite <i>Proceedings</i> filed by BROADCASTING BOARD OF GOVERNORS. (Simon, Jeremy) (Entered: 01/13/2015)
01/13/2015	<u>19</u>		NOTICE of Proposed Order (<i>Notice of Filing of Proposed Order</i>) by BROADCASTING BOARD OF GOVERNORS re <u>18</u> Memorandum in Opposition (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 01/13/2015)
01/20/2015	<u>20</u>		REPLY to opposition to motion re <u>17</u> Proposed MOTION to Expedite <i>Proceedings Reply</i> filed by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI. (Shah, Shameela) (Entered: 01/20/2015)
05/10/2015	<u>21</u>		First MOTION Status Conference by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI (Attachments: # <u>1</u> Text of Proposed Order)(Shah, Shameela) (Entered: 05/10/2015)
05/27/2015	<u>22</u>		Memorandum in opposition to re <u>21</u> First MOTION Status Conference filed by BROADCASTING BOARD OF GOVERNORS. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 05/27/2015)
06/01/2015	<u>23</u>		REPLY to opposition to motion re <u>21</u> First MOTION Status Conference <i>Support Plaintiffs</i> filed by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI. (Shah, Shameela) (Entered: 06/01/2015)
06/12/2015	<u>24</u>		MEMORANDUM OPINION AND ORDER: Defendant's motion to strike complaint and to dismiss in part <u>14</u> is GRANTED. The claims in counts 10–18 of the complaint are DISMISSED without prejudice, and Plaintiffs' complaint is STRICKEN. Plaintiffs' motion to expedite <u>17</u> is DENIED without prejudice. Plaintiffs may file an amended complaint on or before June 29, 2015. See Opinion for details. Signed by Judge Randolph D. Moss on June 12, 2015.

06/15/2015			Set/Reset Deadlines: Plaintiffs may file an amended complaint on or before 6/29/2015. (kt) (Entered: 06/15/2015)
06/29/2015	<u>25</u>		AMENDED COMPLAINT against All Defendants with Jury Demand filed by ZEBA KHADEM, SYED B. SHAH, MOHAMMED ZAMEN MOHMAND, TAHER ACHAGZAI, NASEEM S. STANAZAI.(Shah, Shameela) (Entered: 06/29/2015)
07/14/2015	<u>26</u>		MOTION for Extension of Time to <i>Answer or Otherwise Respond to Amended Complaint</i> by BROADCASTING BOARD OF GOVERNORS (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 07/14/2015)
07/14/2015	<u>27</u>		Memorandum in Opposition re <u>26</u> by TAHER ACHAGZAI, ZEBA KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI (Shah, Shameela) Modified on 7/15/2015 to correct event (zrdj). (Entered: 07/14/2015)
07/15/2015			NOTICE OF ERROR re <u>27</u> Motion for Extension of Time to File Response/Reply; emailed to s.sarah.shah@lawofficesofshahandshah.com, cc'd 2 associated attorneys — The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. Entered in error as a motion; Refile as a Memorandum in Opposition. (znmw,) (Entered: 07/15/2015)
07/15/2015			MINUTE ORDER: Upon consideration of the motion for extension of time <u>26</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall respond to the amended complaint on or before August 6, 2015. Signed by Judge Randolph D. Moss on July 15, 2015. (lcrdm3,) (Entered: 07/15/2015)
07/15/2015			Set/Reset Deadline: Defendant shall respond to the amended complaint on or before 8/6/2015. (kt) (Entered: 07/15/2015)
08/05/2015	<u>28</u>		Emergency MOTION for Order <i>Leave to take Deposition</i> by TAHER ACHAGZAI, ZEBA KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI (Attachments: # <u>1</u> Declaration, # <u>2</u> Order)(Shah, Shameela) (Entered: 08/05/2015)
08/06/2015	<u>29</u>		NOTICE <i>Regarding Defendant's Intention to Respond to Emergency Motion</i> by BROADCASTING BOARD OF GOVERNORS re <u>28</u> Emergency MOTION for Order <i>Leave to take Deposition</i> (Simon, Jeremy) (Entered: 08/06/2015)
08/06/2015	<u>30</u>		MOTION to Dismiss <i>or, in the Alternative</i> , MOTION for Summary Judgment by BROADCASTING BOARD OF GOVERNORS (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Shennoa McDay)(Simon, Jeremy) (Entered: 08/06/2015)
08/17/2015	<u>31</u>		Consent MOTION for Extension of Time to <i>File Opposition to Defendant's Motion to Dismiss and in the Alternative Motion for Summary Judgment</i> by TAHER ACHAGZAI, ZEBA KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI (Attachments: # <u>1</u> Text of Proposed Order)(Shah, Shameela) (Entered: 08/17/2015)
08/18/2015			Upon consideration of the consent motion for extension of time <u>31</u> , it is hereby ORDERED that the motion is GRANTED. Plaintiffs shall file their opposition to Defendant's motion to dismiss on or before August 25, 2015. Signed by Judge

08/19/2015			Set/Reset Deadline: Plaintiffs shall file their opposition to Defendant's motion to dismiss on or before 8/25/2015. (kt) (Entered: 08/19/2015)
08/20/2015	<u>32</u>		Memorandum in opposition to re <u>28</u> Emergency MOTION for Order <i>Leave to take Deposition</i> filed by BROADCASTING BOARD OF GOVERNORS. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 08/20/2015)
08/25/2015	<u>33</u>		Memorandum in opposition to re <u>30</u> MOTION to Dismiss <i>or, in the Alternative</i> MOTION for Summary Judgment <i>Opposition</i> filed by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Declaration, # <u>4</u> order)(Shah, Shameela) (Entered: 08/25/2015)
09/01/2015	<u>34</u>		NOTICE of Appearance by Robin Michelle Meriweather on behalf of BROADCASTING BOARD OF GOVERNORS (Meriweather, Robin) (Entered: 09/01/2015)
09/01/2015	<u>35</u>		MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION to Dismiss <i>or, in the Alternative</i> MOTION for Summary Judgment by BROADCASTING BOARD OF GOVERNORS (Attachments: # <u>1</u> Text of Proposed Order)(Meriweather, Robin) (Entered: 09/01/2015)
09/01/2015	<u>36</u>		Memorandum in opposition to re <u>35</u> MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION to Dismiss <i>or, in the Alternative</i> MOTION for Summary Judgment <i>Opposition</i> filed by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI. (Attachments: # <u>1</u> Order)(Shah, Shameela) (Entered: 09/01/2015)
09/02/2015	<u>37</u>		REPLY to opposition to motion re <u>35</u> MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION to Dismiss <i>or, in the Alternative</i> MOTION for Summary Judgment filed by BROADCASTING BOARD OF GOVERNORS. (Meriweather, Robin) (Entered: 09/02/2015)
09/07/2015			MINUTE ORDER: Upon consideration of Defendant's motion for extension of time <u>35</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall file the reply in support of its dispositive motion on or before September 25, 2015. Signed by Judge Randolph D. Moss on September 7, 2015. (lcrdm3,) (Entered: 09/07/2015)
09/08/2015			Set/Reset Deadline: Defendant shall file the reply in support of its dispositive motion on or before 9/25/2015. (kt) (Entered: 09/08/2015)
09/25/2015	<u>38</u>		REPLY to opposition to motion re <u>30</u> MOTION to Dismiss <i>or, in the Alternative</i> MOTION for Summary Judgment filed by BROADCASTING BOARD OF GOVERNORS. (Attachments: # <u>1</u> Exhibit 1 (Jones Declaration), # <u>2</u> Exhibit 2 (McDay Declaration), # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4 (Mosby Declaration))(Meriweather, Robin) (Entered: 09/25/2015)
09/28/2015	<u>39</u>		MOTION FOR LEAVE TO FILE <i>Sur-Reply</i> by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI (Attachments: # <u>1</u> order)(Shah, Shameela) Modified on 9/29/2015 (zrdj). (Entered: 09/28/2015)

10/15/2015	<u>40</u>		Memorandum in opposition to re <u>39</u> MOTION for Leave to File filed by BROADCASTING BOARD OF GOVERNORS. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/15/2015)
10/20/2015	<u>41</u>		First MOTION for Preliminary Injunction by TAHER ACHAGZAI, ZEBA KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit)(Shah, Shameela) (Entered: 10/20/2015)
10/30/2015	<u>42</u>		Memorandum in opposition to re <u>41</u> First MOTION for Preliminary Injunction filed by BROADCASTING BOARD OF GOVERNORS. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Ibrahim Nasar)(Simon, Jeremy) (Entered: 10/30/2015)
10/30/2015			MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a status conference on November 6 at 11 a.m. Signed by Judge Randolph D. Moss on 10/20/2015. (lcrdm3,) (Entered: 10/30/2015)
10/31/2015			Set/Reset Hearing: A Status Conference is set for 11/6/2015, at 11:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 10/31/2015)
11/06/2015			Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 11/6/2015. Order forthcoming. (Court Reporter: Jeff Hook) (kt) (Entered: 11/06/2015)
11/06/2015			MINUTE ORDER: Upon consideration of the Emergency Motion for Order to take Leave to Take Deposition <u>28</u> , it is hereby ORDERED that the motion is DENIED without prejudice as moot. Signed by Judge Randolph D. Moss on 11/6/2015. (lcrdm3,) (Entered: 11/06/2015)
11/06/2015			MINUTE ORDER: It is hereby ORDERED that plaintiffs may file a supplement to the First Motion for Preliminary Injunction <u>41</u> , along with any supplemental materials, on or before November 13, 2015. Defendant may file a supplemental opposition on or before November 20, 2015. Signed by Judge Randolph D. Moss on 11/6/2015. (lcrdm3,) (Entered: 11/06/2015)
11/06/2015			Set/Reset Deadlines: Plaintiffs may file a supplement to the First Motion for Preliminary Injunction <u>41</u> , along with any supplemental materials, on or before 11/13/2015; Defendant may file a supplemental opposition on or before 11/20/2015. (kt) (Entered: 11/06/2015)
11/06/2015			MINUTE ORDER: Upon consideration of the Plaintiffs' Motion for a Status Conference <u>21</u> , it is hereby ORDERED that the motion is DENIED as moot. Signed by Judge Randolph D. Moss on 11/6/2015. (lcrdm3,) (Entered: 11/06/2015)
11/12/2015	<u>43</u>		REPLY to opposition to motion re <u>41</u> First MOTION for Preliminary Injunction filed by TAHER ACHAGZAI, ZEBA KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI. (Attachments: # <u>1</u> Affidavit Declarations)(Shah, Shameela) (Entered: 11/12/2015)
11/19/2015	<u>44</u>		SUPPLEMENTAL MEMORANDUM to re <u>42</u> Memorandum in Opposition (<i>Defendant's Supplemental Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction</i>) filed by BROADCASTING BOARD OF GOVERNORS. (Simon, Jeremy) (Entered: 11/19/2015)

12/02/2015	45		NOTICE OF WITHDRAWAL OF APPEARANCE by BROADCASTING BOARD OF GOVERNORS. Attorney Robin Michelle Meriweather terminated. (Meriweather, Robin) (Entered: 12/02/2015)
01/28/2016			MINUTE ORDER: It is hereby ORDERED that the parties shall appear for an oral argument on February 4, 2016, at 2:30 p.m. The parties should be prepared to discuss both the Motion to Dismiss or, in the Alternative, for Summary Judgment <u>30</u> and the Motion for Preliminary Injunction <u>41</u> . Signed by Judge Randolph D. Moss on 1/28/2016. (lcrdm3,) (Entered: 01/28/2016)
01/28/2016			Set/Reset Hearing: A Motion Hearing is set for 2/4/2016, at 2:30 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 01/28/2016)
02/04/2016			Minute Entry for proceedings held before Judge Randolph D. Moss: Motion Hearing held on 2/5/2016 re: <u>30</u> MOTION to Dismiss <i>or, in the Alternative</i> MOTION for Summary Judgment filed by BROADCASTING BOARD OF GOVERNORS, and <u>41</u> First MOTION for Preliminary Injunction . <u>41</u> Motion for Preliminary Injunction; HEARD and DENIED, for the reasons stated on the record; Order forthcoming. (Court Reporter: Jeff Hook). (kt) Modified on 2/8/2016 to correct hearing date (kt). (Entered: 02/05/2016)
02/05/2016			MINUTE ORDER: For the reasons stated on the record during yesterday's proceedings, it is hereby ORDERED that the parties may file supplemental memoranda adhering to the following terms and schedule. On or before February 18, 2016, Plaintiffs may file a short memorandum that identifies for each of the five Plaintiffs discrete acts of discrimination that occurred within 45 days of when they first sought counseling from an EEO counselor. The memorandum should be supported by citations to the record before the Court or supported by other competent evidence. The memorandum should also demonstrate that the Plaintiffs included the cited discriminatory acts as part of their administrative complaint, thereby exhausting their remedies. The memorandum may address only these points and should be highly specific. It may not address any other points or authorities. The government may respond to this memorandum with one of its own on or before March 3, 2016. Signed by Judge Randolph D. Moss on 2/5/2016. (lcrdm3,) (Entered: 02/05/2016)
02/08/2016			Set/Reset Deadlines: On or before 2/18/2016, Plaintiffs may file a short memorandum; The government may respond to this memorandum with one of its own on or before 3/3/2016. (kt) (Entered: 02/08/2016)
02/08/2016	<u>46</u>		TRANSCRIPT OF PROCEEDINGS before Judge Randolph D. Moss held on February 4, 2016; Page Numbers: 1 – 61. Date of Issuance: February 5, 2016. Court Reporter/Transcriber: Jeff Hook; Telephone number: 202–354–3373. Transcripts may be ordered by submitting the Transcript Order Form.<P></P><P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.<P> NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy,

		which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.<P></P> Redaction Request due 2/29/2016. Redacted Transcript Deadline set for 3/10/2016. Release of Transcript Restriction set for 5/8/2016.(Hook, Jeff) (Entered: 02/08/2016)
02/08/2016	<u>47</u>	MEMORANDUM OPINION AND ORDER: Plaintiffs' Motion for Preliminary Injunction <u>41</u> , is DENIED. See attached document for details. Signed by Judge Randolph D. Moss on 2/8/2016. (lcrdm3,) (Main Document 47 replaced on 2/8/2016) (kt). Modified on 2/8/2016 to add "opinion" in text, and ECF designation(kt). (Entered: 02/08/2016)
02/16/2016	<u>48</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of BROADCASTING BOARD OF GOVERNORS (Walker, Johnny) (Entered: 02/16/2016)
02/18/2016	<u>49</u>	ENTERED IN ERROR.....SUPPLEMENTAL MEMORANDUM to <i>Feb. 4th Order</i> filed by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Text of Proposed Order)(Shah, Shameela) Modified on 2/19/2016 (znmw). (Entered: 02/18/2016)
02/19/2016		NOTICE OF ERROR re <u>49</u> Supplemental Memorandum; emailed to s.sarah.shah@lawofficesofshahandshah.com, cc'd 3 associated attorneys — The PDF file you docketed contained errors: 1. Incorrect header/caption/case number, 2. Please refile document, 3. Entered in error; Incorrect case number; Please refile. (znmw,) (Entered: 02/19/2016)
02/19/2016	<u>50</u>	SUPPLEMENTAL MEMORANDUM to <u>33</u> Memorandum in opposition to re 30 MOTION to Dismiss or, in the Alternative MOTION for Summary Judgment filed by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Text of Proposed Order)(Shah, Shameela) Modified on 2/19/2016 (zjf). (Entered: 02/19/2016)
03/01/2016	<u>51</u>	RESPONSE re <u>50</u> Supplemental Memorandum, <i>Defendant's Response to Plaintiffs' Supplemental Memorandum in Opposition to Defendant's Motion to Dismiss or, Alternatively, for Summary Judgment</i> filed by BROADCASTING BOARD OF GOVERNORS. (Simon, Jeremy) (Entered: 03/01/2016)
03/18/2016	<u>52</u>	MEMORANDUM OPINION AND ORDER: Defendant's motion to dismiss or for summary judgment <u>30</u> is GRANTED in part and DENIED in part. See attached document for details. Signed by Judge Randolph D. Moss on 3/18/2016. (lcrdm3,) (Entered: 03/18/2016)
03/21/2016		MINUTE ORDER: Upon consideration of Plaintiffs' motion for leave to file a surreply <u>39</u> , it is hereby ORDERED that the motion is DENIED. Plaintiffs had multiple opportunities to present the arguments described in the motion for leave to file surreply, and, indeed, further addressed many of those issues in responding to the Court's February 8, 2016 Minute Order. The Court further notes that Plaintiffs were fully "[a]ble to contest [the] matters" described in the motion in their opposition brief. See <i>Lewis v. Rumsfeld</i> , 54 F. Supp. 2d 56, 61 (D.D.C. 2001). Signed by Judge Randolph D. Moss on 3/21/2016. (lcrdm3,) (Entered: 03/21/2016)

03/21/2016			MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a status conference on April 19, 2016, at 10 a.m. It is further ORDERED that the parties shall submit a joint status report proposing a schedule for discovery, dispositive briefing, and any other remaining issues on or before April 15, 2016. Signed by Judge Randolph D. Moss on 3/21/2016. (lcrdm3,) (Entered: 03/21/2016)
03/21/2016			Set/Reset Deadline/Hearing: The parties shall submit a joint status report proposing a schedule for discovery, dispositive briefing, and any other remaining issues on or before 4/15/2016. A Status Conference Is set for 4/19/2016, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 03/21/2016)
03/29/2016	<u>53</u>		MOTION for Extension of Time to File Answer re <u>25</u> Amended Complaint by BROADCASTING BOARD OF GOVERNORS (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 03/29/2016)
03/29/2016			MINUTE ORDER: Upon consideration of Defendant's motion for extension of time <u>53</u> , it is hereby ORDERED that the motion is GRANTED. Defendant may file its answer on or before April 8, 2016. Signed by Judge Randolph D. Moss on 3/29/2016. (lcrdm3,) (Entered: 03/29/2016)
03/30/2016			Set/Reset Deadline: Defendant may file its answer on or before 4/8/2016. (kt) (Entered: 03/30/2016)
03/31/2016	<u>54</u>		NOTICE OF WITHDRAWAL OF APPEARANCE as to BROADCASTING BOARD OF GOVERNORS. Attorney Jeremy S. Simon terminated. (Simon, Jeremy) (Entered: 03/31/2016)
04/08/2016	<u>55</u>		ANSWER to <u>25</u> Amended Complaint by BROADCASTING BOARD OF GOVERNORS. Related document: <u>25</u> Amended Complaint filed by TAHER ACHAGZAI, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, ZEB A KHADEM, NASEEM S. STANAZAI.(Walker, Johnny) (Entered: 04/08/2016)
04/13/2016			MINUTE ORDER: It is hereby ORDERED that the status conference scheduled for 10 a.m. on April 19, 2016, is VACATED and RESCHEDULED for 2 p.m. on April 19, 2016. Signed by Judge Randolph D. Moss on 4/13/2016. (lcrdm3,) (Entered: 04/13/2016)
04/13/2016			Set/Reset Hearing: The Status Conference set for 4/19/2016 at 10:00 AM is VACATED and RESCHEDULED for 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 04/13/2016)
04/14/2016	<u>56</u>		Joint STATUS REPORT <i>and Proposed Schedule</i> by BROADCASTING BOARD OF GOVERNORS. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 04/14/2016)
04/14/2016	<u>57</u>		First MOTION for Reconsideration re <u>52</u> Order on Motion to Dismiss, Order on Motion for Summary Judgment by TAHER ACHAGZAI, ZEB A KHADEM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH, NASEEM S. STANAZAI (Attachments: # <u>1</u> Text of Proposed Order)(Shah, Shameela) (Entered: 04/14/2016)
04/15/2016			MINUTE ORDER: It is hereby ORDERED that the parties shall adhere to the following schedule. They shall submit their initial disclosures under FRCP 26(a)(1) on or before April 29, 2016. Proponents' expert disclosures under Rule

			26(a)(2)(B) are due on or before May 16, 2016. Opponent's expert disclosures under Rule 26(a)(2)(B) are due on or before June 15, 2016. Discovery shall close on July 15, 2016. Dispositive motions are due on or before September 13, 2016. Motions in opposition are due on or before October 13, 2016. Replies are due on or before November 14, 2016. It is further ORDERED that each side shall be limited to a maximum of five depositions, twenty-five interrogatories, and twenty-five requests for admission. Signed by Judge Randolph D. Moss on 4/14/2016. (lcrdm3,) (Entered: 04/15/2016)
04/15/2016			Set/Reset Deadlines: Discovery due by 7/15/2016. Dispositive Motions due by 9/13/2016. Response to Dispositive Motions due by 10/13/2016. Reply to Dispositive Motions due by 11/14/2016. Initial Disclosure due by 4/29/2016. Proponents' expert disclosures under Rule 26(a)(2) due by 5/16/2016. Opponent's expert disclosures under Rule 26(a)(2) due by 6/15/2016. (dot) (Entered: 04/15/2016)
04/19/2016			Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 4/19/2016. (Court Reporter Jeff Hook.) (dot) (Entered: 04/19/2016)
05/02/2016	<u>58</u>		Memorandum in opposition to re <u>57</u> First MOTION for Reconsideration re <u>52</u> Order on Motion to Dismiss, Order on Motion for Summary Judgment filed by BROADCASTING BOARD OF GOVERNORS. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 05/02/2016)
05/09/2016	<u>59</u>	14	MEMORANDUM OPINION AND ORDER: Plaintiffs' motion for reconsideration <u>57</u> is DENIED. See attached document for details. Signed by Judge Randolph D. Moss on 5/9/2016. (lcrdm3,) Modified on 5/9/2016 to include "Memorandum Opinion" (kt). (Entered: 05/09/2016)
06/03/2016	<u>60</u>	12	NOTICE OF APPEAL re <u>59</u> MEMORANDUM OPINION AND ORDER TO DC CIRCUIT COURT by TAHER ACHAGZAI, ZEB A KHADAM, MOHAMMED ZAMEN MOHMAND, SYED B. SHAH. Filing fee \$ 505, receipt number 0090-4554497. Fee Status: Fee Paid. Parties have been notified. (Shah, Shameela) Modified on 6/6/2016 to add linkage (zrdj). (Entered: 06/03/2016)

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

TAHER ACHAGZAI et al.,

Plaintiffs,

v.

**BROADCASTING BOARD OF
GOVERNORS**

Defendants.

:
:
:
:
:
:
:
:
:
:
:

Civil Case No. 14-768 (RDM)

NOTICE OF APPEAL

Notice is hereby given that Zeba Khadem, Mohammed Mohmand, Taher Achagzai and Syed B. Shah, plaintiffs in the above captioned case, hereby appeal to the United States Court of Appeals for the District of Columbia from the final judgement of dismissal and summary judgment on May 9, 2016 as it pertains to the above four plaintiffs.

Dated: June 3, 2016

Respectfully submitted,

/S/ S. Sarah Shah
S. Sarah Shah, Esq.
3 Washington Circle NW
Suite 102
Washington DC 20037
Attorneys for Plaintiff
202-450-1059
202-450-1051

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June 2016, the foregoing Notice of Appeal was filed with the Clerk of the Court for the United States District Court for the District of Columbia using CM/ECF and service was accomplished on opposing party electronically.

/S/ S. Sarah Shah
S. Sarah Shah, Esq.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

TAHER ACHAGZAI, et al.,

Plaintiffs,

v.

BROADCASTING BOARD OF
GOVERNORS,

Defendant.

Civil Action No. 14-768 (RDM)

MEMORANDUM OPINION AND ORDER

On March 18, 2016, this Court issued a Memorandum Opinion and Order granting Defendant's motion for summary judgment on all counts for four of the five plaintiffs in this case and for all but four counts as to the fifth plaintiff. *See* Dkt. 52. The Court concluded that plaintiffs had failed to exhaust their administrative remedies for those counts and that equitable tolling of the exhaustion deadlines was not warranted. *Id.* Plaintiffs now ask this Court to reconsider that decision. *See* Dkt. 57. They characterize their motion as arising under Federal Rules of Civil Procedure 59(e) and 60(b). Dkt. 57 at 1. Because the Court denied summary judgment in part, however, its decision was not a final judgment, and the Court will instead assume the motion invokes Rule 54(b), which provides that nonfinal orders "that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties . . . may be revised at any time before" the Court enters final judgment.

Reconsideration of interlocutory orders is permitted "'as justice requires.'" *Cobell v. Jewell*, 802 F.3d 12, 25 (D.C. Cir. 2015) (quoting *Greene v. Union Mutual Life Ins. Co. of America*, 764 F.2d 19, 22 (1st Cir. 1985) (Breyer, J.)). Courts in this District have recognized

that relief under 54(e) is appropriate “when the movant demonstrates: “(1) an intervening change in the law; (2) the discovery of new evidence not previously available; or (3) a clear error in the first order.” *Murphy v. Exec. Office for U.S. Attorneys*, 11 F. Supp. 3d 7, 8 (D.D.C. 2014) (quoting *Zeigler v. Potter*, 555 F.Supp.2d 126, 129 (D.D.C. 2008)); *see also Keystone Tobacco Co. v. U.S. Tobacco Co.*, 217 F.R.D. 235, 237 (D.D.C. 2003)).

Plaintiffs’ motion for reconsideration does not show that any of these circumstances—or any other circumstances that might justify reconsideration—are present here. The motion largely rehashes arguments Plaintiffs made in their motion in opposition to summary judgment, *see* Dkt. 33, their motion for a preliminary injunction, *see* Dkt. 41, and their supplemental memorandum on summary judgment, *see* Dkt. 50. Despite multiple opportunities, Plaintiffs have failed to provide any evidence showing that they brought to the attention of an Equal Employment Opportunity Officer “an act contributing to” their hostile work environment claims that “occur[red] within the filing period.” *Nat’l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 117 (2002). They have likewise failed to produce any evidence that Defendants engaged in the sort of “affirmative misconduct” that would justify equitable tolling of the administrative deadlines for any of their claims. *Baldwin Cty. Welcome Ctr. v. Brown*, 466 U.S. 147, 151 (1984) (*per curiam*).

Accordingly, Plaintiffs’ motion for reconsideration, Dkt. 57, is **DENIED**.

SO ORDERED.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: May 9, 2016